

HALIFAX REGIONAL MUNICIPALITY

**PENINSULA COMMUNITY COUNCIL
MINUTES
JUNE 10, 2002**

PRESENT: Councillor Sheila Fougere, Chair
 Councillor Jerry Blumenthal
 Councillor Dawn Sloane
 Councillor Sue Uteck

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
 Ms. Sherryl Murphy, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES - Regular Meeting - May 13, 2002 and Special Meeting - May 21, 2002	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet	4
4.1.1	C-2 Zoning in District 12	4
4.1.2	Establishment of a PAC for the Peninsula Community Council ..	4
4.1.3	Collection of Organics in the Peninsula Area	4
4.1.4	All Way Stop Signs Jubilee Road	5
4.1.5	Moran Street On Street Residential Parking	5
5.	MOTIONS OF RECONSIDERATION	5
6.	MOTIONS OF RESCISSION	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
7.1	Appeal of Refusal of Application for Variance - 6118 South Street, Halifax (Deferred from May 13, 2002)	5
8.	HEARINGS	5
8.1	Public Hearings	5
8.1.1	Public Hearing: Case 00245, Application for Development Agreement - 1599 Grafton Street, Halifax	5
8.2	Variance Hearings	9
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	9
10.	REPORTS	9
10.1	Case 00478: Land Use Bylaw Amendments, Shipping Containers - Western Region (First Reading and Set Date for Public Hearing)	10
11.	MOTIONS	10
12.	ADDED ITEMS	10

13. NOTICES OF MOTION 10

14. PUBLIC PARTICIPATION 10

15. NEXT MEETING 11

16. ADJOURNMENT 11

INFORMATION ITEMS 11

1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m.

2. APPROVAL OF MINUTES - Regular Meeting - May 13, 2002 and Special Meeting - May 21, 2002

MOVED by Councillor Sloane, seconded by Councillor Uteck that the minutes of the Regular meeting of Peninsula Community Council held on May 13, 2002 and the Special meeting of Peninsula Community Council held on May 21, 2002, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that the agenda, as distributed be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 C-2 Zoning in District 12

Councillor Sloane indicate that she had been in touch with staff and the report was being prepared. She requested the matter remain on the Status Sheet.

4.1.2 Establishment of a PAC for the Peninsula Community Council

There was no report available relative to this matter. The item is to remain on the Status Sheet.

4.1.3 Collection of Organics in the Peninsula Area

Ms. Laurie Lewis, Coordinator of Collection Activities, provided a verbal report on holiday collection schedules, a 'Saturday before the holiday' collection trial carried out in the Peninsula area, and responded to questions from members of Community Council.

Councillor Uteck requested that staff report back with regard to the number of misses recorded during the 'Saturday before the holiday' trial carried out in the Peninsula. Community Council also requested a report from By-law Enforcement regarding

enforcement on the weekends in response to concern that garbage is being left out on Friday night or Saturday for a Monday collection.

4.1.4 All Way Stop Signs Jubilee Road

There was no report available relating to this matter. The item is to remain on the Status Sheet.

4.1.5 Moran Street On Street Residential Parking

Councillor Sloane noted that a meeting regarding this matter was to be held on June 13, 2002 at the Mainland Common Library. She requested that the item remain on the status sheet pending the outcome of this meeting.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Appeal of Refusal of Application for Variance - 6118 South Street, Halifax (Deferred from May 13, 2002)

- Consideration of this matter was deferred to this meeting from the May 13, 2002 meeting of Peninsula Community Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that consideration of this matter be deferred to a special meeting of Peninsula Committee Council, the date of which is to be determined at a later time, pending resolution of the matter by the involved parties. MOTION TO DEFER WAS PUT AND PASSED UNANIMOUSLY.

8. HEARINGS

8.1 Public Hearings

8.1.1 Public Hearing: Case 00245, Application for Development Agreement - 1599 Grafton Street, Halifax

- A staff report dated April 18, 2002 submitted by Paul Dunphy, Director, Planning and Development Services, was before Community Council for consideration.

- Correspondence dated June 5, 2002 from Craig M. Garson, Q.C. representing Maxwell's Plum English Neighbourhood Pub was distributed to members of Community Council in their agenda package. Distributed at tonight's meeting was correspondence dated May 4, 2002 from Karin McCaskill, Chair, Downtown Halifax Business Commission.

Ms. Grace Ho, Planner, utilizing Elmo, reviewed the April 19, 2002 staff report and noted that clause 3.2 (d) of the draft Development agreement should not refer to 60 feet, but rather to View Plane 6. She further explained that the proposal was 76 feet high on Argyle Street and 59 on Grafton Street, both of which are permissible within View Plane 6. Ms. Ho further indicated that staff's recommendation to Peninsula Community Council regarding the encroachment resulting from the colonnade, is that they recommend approval to Regional Council. Ms. Ho noted that staff is recommending approval of the Development Agreement.

Ms. Ho then responded to questions from members of Community Council.

Councillor Blumenthal noted that the proposal was to be built to R-2000 standards and asked if it would be possible to include this in the Development Agreement. Ms. Ho indicated that it was possible if Community Council so desired.

Councillor Fougere expressed concern regarding the lack of reference to collection of solid waste and asked how the developer intended that this be handled. Ms. Ho noted that she was not aware of the details, however, she would consult with the developer. Ms. Ho commented that if Council wished, a provision regarding the collection of solid waste could be included in the Development Agreement.

Mr. Chris Tzaneteas, Argyle Bar & Grill and the Opa Greek Restaurant

Mr. Tzaneteas addressed Community Council and briefly outlined his concerns as follows:

- Although the developer may be quite aware of the noise factor, those purchasing or leasing the units may not be. Based on previous experience in which residents complaints caused the closure of a long established downtown liquor establishment, Mr. Tzaneteas suggested that a letter of support from HRM for the businesses in the area would be appropriate
- Concern that the time line for the project may interfere with patio customers. A number of businesses in the area have patios during the summer months. When will construction start?
- Concern that Grafton Street congestion will increase. Grafton Street is very busy now. How will this project impact on that congestion on the street?

- Concern that the garage entrance/exit on Argyle Street will create congestion and cause customers to avoid Argyle Street

Mr. Doug Miller, Architect

On behalf of Grafton Developments Inc., the applicant, Mr. Miller addressed Community Council including the following key points:

- The project before Community Council this evening is the result of a very lengthy process.
- The Downtown Business Commission Real Property Sub-Committee has reviewed the development, the proposal has been revised in response to concerns expressed, and the Commission now supports this development.
- Suggestion is that this project is a catalyst project - a project which introduces mixed use residential and will be the catalyst for a re-development of the Grafton Street area.
- Project has been modified to provide that only one of two parking garage accesses are on Argyle Street. Based on the experience elsewhere, the parking garage is more a storage facility than a garage. Urban dwellers tend to walk more and use their vehicles only once or twice per week. Thus, the level of traffic would be relatively innocuous. Requirement for parking for urban tenants has been proven to be lesser than for suburban dwellers.
- Appears there is a very strong market for the commercial uses proposed for Argyle Street.
- The proposed colonnade helps with retaining the character of the building and the developer has spoken with CNIB relative to their concerns.
- In terms of noise, the development is being built to a standard which will significantly reduce noise.

Mr. Miller then responded to questions from members of Community Council. In response to a question from Councillor Blumenthal regarding the sorting and collection of solid waste, Mr. Miller indicated that there was room in the parking structure to accommodate the sorting of solid waste.

In response to a question from Councillor Sloane regarding the timing of construction, Mr. Miller indicated that Grafton Developments Inc. was looking at a start time of the first week in September.

Councillor Uteck, noting the concerns expressed with regard to traffic, requested that all future reports include a comment from Traffic Services and that, if necessary, provisions relative to traffic be included in the Development Agreement.

Mr. Graham Duffus, 1110 Barrington Street

Mr. Duffus addressed Community Council making the following points:

- The building appears massive, boxy and the roof line is not sympathetic to Argyle Street. A perspective of the project would have been useful in determining the impact the project will have on the area.
- The colonnade appears to be huge and if one is to be installed, a second one on Sackville would be appropriate.
- There does not appear to be any landscaping included in the proposal.
- The parking garage on Sackville and Argyle Streets is a concern.
- Although much work has been done by the developer in terms of making the proposal fit into the area, there is a lot of room for improvement.

The Chair called for three times for persons wishing to speak.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

A brief debate and questioning of staff ensued.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council:

1. **Approve the development agreement presented as Attachment II of the April 18, 2002 report with the following additions:**
 - **The development agreement is to reflect the developer's proposal to build to R-2000 standards**
 - **Provision for solid waste separation and collection is to be included in the Development Agreement**

- That the developer consider removing the protusion which juts into the space between the colonnade and the building to provide a straight down column
 - Section 3.2 (f) of the proposed Development Agreement be amended to provide that “landscaped planters shall be placed along the Grafton Street facade;” and further that a maintenance clause relating to the roof top garden and the planters along Grafton Street be included in the Development Agreement.
2. Recommend to Regional Council that the encroachment at 1599 Grafton Street, as presented as Schedule “J” of Attachment II of the April 18, 2002 staff report be approved.
 3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

A further discussion ensued with Councillor Fougere noting that the granting of this type of encroachment was very unusual. In response to a question regarding HRM access to the area of encroachment, Ms. Donovan noted that this encroachment would be covered under a special agreement as contained in Section 10 of By-law E-200.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the motion be amended to provide that as per Section 10 of By-law E-200, Respecting Encroachment Upon, Under or Over a Street, a Special Agreement be made relative to the encroachment at 1599 Grafton Street.

The **MOTION TO AMEND WAS PUT AND PASSED UNANIMOUSLY.**

The **MAIN MOTION, AS AMENDED, WAS PUT AND PASSED UNANIMOUSLY.**

8.2 Variance Hearings - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 Case 00478: Land Use Bylaw Amendments, Shipping Containers - Western Region (First Reading and Set Date for Public Hearing)

- A staff report dated May 24, 2002 submitted by Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council give First Reading to the proposed amendments to the Halifax Peninsula Land Use Bylaw as shown in Attachment 1 of the May 24, 2002 staff report and schedule a public hearing for September 9, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS - None

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Ms. Tania Li, 6496 Jubilee Road addressed Community Council, referring to her previous request regarding stop signs on Jubilee Road at Preston and Vernon Streets, noted that this petition had been submitted to Regional Council two months ago and to this Community Council last month. She went on to indicate that the petition demonstrated the criteria are met. Ms. Li expressed concern that the stop signs be installed by September and noted that this group would not be meeting prior to September. She asked how this matter could be moved forward prior to September.

MOVED by Councillor Uteck, seconded by Councillor Sloane that a report relative to this matter come back to Regional Council prior to the summer break. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Li went on to refer to the presentation given last month relative to on street parking noting that the term "major collector" was used during that presentation. Ms. Li complained that the use of label was inappropriate as it has not been approved by Council nor does it conform to Traffic Association of Canada guidelines used by HRM. She indicated that the public use of that term is unfair, incorrect and has consequences.

A resident of Jubilee Road noted that no response has been received relative to a request made that the accident statistics for Jubilee Road over the last five years be

provided to Community Council. She further noted that a report had been requested regarding parking along Quinpool Road, Jubilee Road and the side streets. She asked the status of these reports.

The Chair indicated that Community Council would follow up on these requests.

Mr. Graham Duffus, 1110 Barrington Street, addressed Community Council indicating that the solid waste collection process was not working for him. He noted that he was often out of town on the weekends and that Monday's were quite often holidays. Mr. Duffus indicated that he had no room to store garbage on his small lot. Thus, he puts his garbage out on Friday evening for pick up on Monday. Mr. Duffus noted that the compost carts were too large for his needs and that as a result of using the cart, the rat population had increased. Consequently, he had stopped using the cart.

Mr. Duffus expressed resentment with the fact that small businesses do not have garbage pick up of any nature. He went on to indicate that his business waste was 80% recyclable paper and that he does pay Business Occupancy Tax. Mr. Duffus indicated that he believed there was a problem with the system when small businesses could not have recyclable products collected with the municipal collection.

Ms. Beverly Miller addressed the following issues:

- the lack of understanding of the Solid Waste Resource staff relating to the problems of solid waste in the Peninsula area
- cautioned Community Council to not make guarantees to any group or individual in contravention of the Noise By-law
- concern regarding the lack of report relative to the establishment of a Planning Advisory Committee in the Peninsula area
- residents concern is that they do recognize that there is an opportunity for public input at the Public Hearing, however, they do not feel their concerns are heard at the Public Hearing. The decision is made immediately following the public hearing and residents do not feel this provides sufficient time for Community Council to fully consider concerns expressed. The public want a greater opportunity to be involved.

15. NEXT MEETING

The next meeting of Peninsula Community Council will be held on Monday, September 9, 2002 beginning at 7:00 p.m., in the Council Chamber, City Hall.

16. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Sherryl Muprhy
Assistant Municipal Clerk

INFORMATION ITEMS

There were no information items.